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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79968

Ekaterina BOUROVA, et al.

Appln. No.: 10/791,382

Group Art Unit: 3663

Confirmation No.: 3506

Examiner: Ari M. DIACOU

Filed: March 03, 2004

For: A DOPED-RING AMPLIFYING OPTICAL FIBER, AND AN AMPLIFIER
CONTAINING SUCH A FIBER

RESPONSE UNDER 37 C.F.R. § 1.111

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated November 4, 2005, please consider the following remarks.

REMARKS

Claims 1-13 are all the claims pending in the application.

Responsive to the restriction requirement stated in paragraph 1 of the Office action, applicants elect without traverse the invention of Group II, claims 1-10. Responsive to the election requirement stated in paragraph 3 of the Office action, applicants elect a fiber base material composition of silica, an oxide dopant composition of MgO, and elemental dopants of germanium, phosphorus, or germanium and phosphorus. Claims readable on the elected species include all of claims 1-10. This election of species requirement is traversed on the grounds that the only basis for the requirement is to facilitate examination, which while understandable is not

Response Under 37 C.F.R. § 1.111
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by itself a sufficient basis for requiring election, and in any event is not at this point correct.

Since all claims read on the elected species, the election does not reduce the examiner's workload in any significant way. If claim 1 is allowable, there may be no need for the examiner to search for the details of claims 9 and 10 whether there is an election of species or not. On the other hand, if claim 1 is not found allowable, the examiner will have to search for all of the subject matter of claims 9 and 10 regardless of whether there has been an election of species. The only impact of the election of species is to impose a constraint on the possible later addition of further dependent claims directed to individual materials, but it is believed that an election of species requirement is presently premature and would be more properly stated at that time, i.e., when such individual claims are added and the issue is real rather than possible, as opposed to now.

Examination on the merits is respectfully requested.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

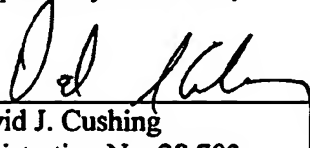
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WASHINGTON OFFICE

23373

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Date: January 4, 2006